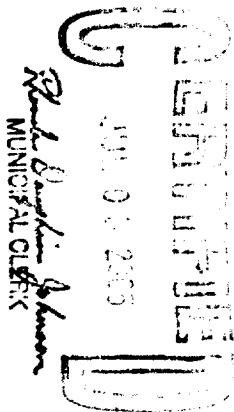


Entered - 08/18/04 - sb  
CL- 04L0531 - Angelena Kelly

05-*2* -1169

Claim of: Rafael Altamirano  
Through his attorney James Hugh Potts II  
3414 Peachtree Rd, NE Suite 1130  
Atlanta, GA 30326

For damages allegedly sustained as a result of being shot by  
a police officer during a traffic stop on June 30, 2004 at  
Sawtell Road at Jonesboro Road.



THIS ADVERSE REPORT IS APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

ADVERSED BY  
CITY COUNCIL

JUL 05 2005

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 6/28/05

CHAIR: Celia Minister

H. S. W.

C. T. Williams

James M. Shepard

[Signature]

Mary Woodward

[Signature]



**CITY OF ATLANTA  
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK**

July 12, 2005

**55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103**

James Hugh Potts, II  
Attorney at Law  
3414 Peachtree Rd., NE  
Suite 1130  
Atlanta, GA 30326

**05-R-1169**

**RE: Rafael Altamirano**

Dear Attorney Potts:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on July 05, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

**cc: Claims Division/Law Department**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0531

Date: June 13, 2005

Claimant /Victim Rafael Altamirano

BY:(Atty)(Ins. Co.) Ralph Hugh Potts II

Address: 3414 Peachtree Road NE Suite 1130, Atlanta, GA 30326

Subrogation:            Claim for Property damage \$            Bodily Injury \$           

Date of Notice: 8/12/04 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 6/30/04 Place: Intersection of Sawtell and Jonesboro Rd

Department Police Division:           

Employee involved            Disciplinary Action:           

NATURE OF CLAIM: This claimant alleges that he sustained bodily injury after being shot by a police officer during a confrontation with another individual. Our investigation shows that the claimant was armed at the time of the shooting and did not comply with the officer's request to stop running and relinquish the weapon.

### INVESTIGATION:

Statements: City employee            Claimant X Others            Written            Oral           

Pictures            Diagrams            Reports: Police            Dept Report            Other X

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

Improper Notice            More than Six Months            Other            Damages reasonable           

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

Claimant Negligent            City Negligent            Joint            Claim Abandoned X

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

### RECOMMENDATION:

Pay \$            Adverse X Account charged: 1A01            2J01            2H01            2P01           

Claims Manager:  Concur/date 06/15/05

Committee Action:            Council Action

RCS# 6810  
7/05/05  
3:03 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I PG(S) 5-19 EXCEPT 05-R-1140

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 0  
ABSENT 0

Y Smith	NV Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	NV Muller	Y Sheperd	NV Borders

CONSENT I

		7/05/05
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 05-O-1198	31. 05-R-1142	43. 05-R-1153
2. 05-O-1071	32. 05-R-1143	44. 05-R-1154
3. 05-O-1050	33. 05-R-1144	45. 05-R-1155
4. 05-O-1051	34. 05-R-1145	46. 05-R-1156
5. 05-O-1206	35. 05-R-1146	47. 05-R-1157
6. 04-O-1364	36. 05-R-1147	48. 05-R-1158
7. 05-O-1058	37. 05-R-1148	49. 05-R-1159
8. 05-O-1059	38. 05-R-1149	50. 05-R-1160
9. 05-O-1083	39. 05-R-1150	51. 05-R-1161
10. 05-O-1092	40. 05-R-1151	52. 05-R-1162
11. 05-R-0113	41. 05-R-1152	53. 05-R-1163
12. 05-R-1213	42. 05-R-1238	54. 05-R-1164
13. 05-R-1007		55. 05-R-1165
14. 05-R-1046		56. 05-R-1166
15. 05-R-1048		57. 05-R-1167
16. 05-R-1088		58. 05-R-1168
17. 05-R-1137		59. 05-R-1169
18. 05-R-1138		60. 05-R-1170
19. 05-R-1139		61. 05-R-1171
20. 05-R-1141		62. 05-R-1172
21. 05-R-1196		63. 05-R-1173
22. 05-R-1239		64. 05-R-1174
23. 05-R-1136		65. 05-R-1175
24. 05-R-1124		66. 05-R-1176
25. 05-R-1125		67. 05-R-1177
26. 05-R-1130		68. 05-R-1178
27. 05-R-1193		69. 05-R-1179
28. 05-R-1197		70. 05-R-1180
29. 05-R-1212		71. 05-R-1181
30. 05-R-1237		72. 05-R-1182
		73. 05-R-1183
		74. 05-R-1184
		75. 05-R-1185
		76. 05-R-1186
		77. 05-R-1187
		78. 05-R-1188
		79. 05-R-1189
		80. 05-R-1190
		81. 05-R-1191